



FILED

APR 04 2008 NF

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
CLERK MICHAEL W. DOBBINS
U.S. DISTRICT COURT
Apr 4, 2008

Civil Action No. _____

JASON WARD

Plaintiff,

08CV1936
JUDGE DER-YEGHIAYAN
MAGISTRATE JUDGE SCHENKIER

v.

COLLECTO, INC.; D/B/A "CCA"; D/B/A "COLLECTION COMPANY OF AMERICA"

Defendant.

**CIVIL ACTION FOR ACTUAL AND PUNITIVE DAMAGES;
FAIR CREDIT REPORTING ACT VIOLATIONS;
DEMAND FOR JURY TRIAL**

Jason Ward ("Plaintiff") brings this action against COLLECTO, INC. ("Defendant"), and alleges as follows:

NATURE OF THE ACTION

1. The Defendant, COLLECTO, INC. (d/b/a "CCA"; d/b/a "Collection Company of America"), is a Massachusetts Corporation governed by the Fair Credit Reporting Act ("FCRA"), 15 USC §1681 et seq., by virtue of its role as a supplier/subscriber to Consumer Reporting Agencies ("Credit Bureaus"). Defendant subscribes to, and provides information for, the three major Credit Bureaus: Experian, TransUnion and Equifax, relating to its primary business of collecting money from consumer debtors. Defendant has deliberately and with gross negligence reported to the three major Credit Bureaus negative information about Plaintiff, namely, that Plaintiff has an unpaid balance for a consumer credit account. Defendant is furthermore failing to comply with numerous provisions of the FCRA, including the failure to verify the debt with the consumer (Plaintiff) and the failure to report this alleged debt as disputed. Plaintiff has never had an account of any kind with Defendant, nor Defendant's customers, nor Defendant's predecessors in interest. Plaintiff has notified Defendant repeatedly, in writing, of its erroneous reports to the three major Credit Bureaus. Plaintiff has refused or through gross negligence failed to remove invalid information it is reporting to the three major Credit Bureaus about a debt that does not exist. By this action, Plaintiff seeks:

- A. A declaratory judgment that the Defendant is in violation of the FCRA for failing to verify that Plaintiff ever incurred the alleged debt.
- B. A declaratory judgment that the Defendant is in violation of the FCRA for failing to report the alleged debt as disputed with the three major Credit Bureaus.
- C. An order enjoining Defendant from reporting this alleged debt to the three major Credit Bureaus.

- D. An order directing Defendant to cause the negative entry on Plaintiff's credit report(s) to be removed.
- E. An award of compensatory and punitive damages for past and current violation of the FCRA as provided for in 15 USC §§1681n and 1681o.
- F. An award of costs, interest and attorneys' fees as provided for in 15 USC §§1681n(a)(3) and 1681o(a)(2).

JURISDICTION AND VENUE

- 2. The cause of action in this complaint arise under the laws of the United States regulating interstate commerce and the activities of furnishers of information to consumer reporting agencies 15 USC §1681p authorize the bringing of civil actions in the federal district courts to enforce rights under the FCRA.
- 3. Jurisdiction of this claim is granted to this court by 28 USC § 1331 (federal question jurisdiction) and §1337 (proceedings arising under an act of Congress regulating commerce).
- 4. Venue is based on 28 USC § 1391c in that the Defendant COLLECTO, INC. is subject to personal jurisdiction within this state because it does business in this state has frequent contact with Illinois, including the operation of offices in Chicago and the existence of numerous customers and other business associates in Illinois.

PRAYER FOR RELIEF

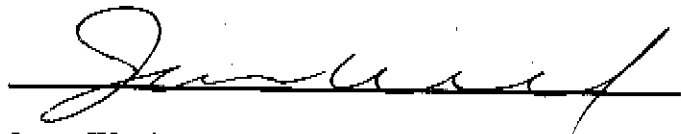
Wherefore Plaintiff prays that the court enter judgment by issuing:

- A. A declaratory judgment that the Defendant is in violation of the FCRA for failing to verify the alleged debt via written or other evidence that the debt exists.
- B. A declaratory judgment that the Defendant is in violation of the FCRA for failing to report the alleged debt as disputed with the three major Credit Bureaus.
- C. An order enjoining Defendant from reporting this alleged debt to the three major Credit Bureaus.
- D. An order directing Defendant to cause the negative mark on Plaintiff's credit report(s) to be removed.
- E. An award of compensatory damages of \$1,000.00 and punitive damages of \$100,000.00 for past and current violation of the FCRA as provided for in 15 USC §§1681n and 1681o.
- E. An award of costs, interest and attorneys' fees as provided for in 15 USC §§1681n(a)(3) and 1681o(a)(2).

JURY REQUEST

The plaintiff hereby request a jury to decide all issues appropriate for submission to a jury.

respectfully submitted



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